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EXAMINER

VIZVARY, GERALD C

ART UNIT

PAPER NUMBER

3684

NOTIFICATION DATE

DELIVERY MODE

11/13/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/523,583	Applicant(s) CHAPPUIS, PIERRE	
	Examiner GERALD C. VIZVARY	Art Unit 3684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-15,17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-15, 17 & 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Response to Amendment

1. In the amendment filed 6/24/2009, the following has occurred: claim 1 has been amended. Now, claims 1, 3-15, 17 & 18 are presented for examination.

Response to Arguments

2. In the remarks filed on 6/24/2009, Applicant argues that

(1) Schmitz US 6,078,908 fails to disclose the step of "transmitting...a maximum amount for a payment framework.

(2) Beatty, US 5,675,630 does not disclose that what is transmitted to a user is "a maximum amount for a payment as a payment framework".

(3) Wright US 2001/0027449 A1 does not disclose that the software components of the IICSP are capable of inter alia "transmitting an authorization request for the payment procedure, and identification code, and a maximum amount for a payment as a payment framework from the mobile terminal to the identification module".

(4) A person of ordinary skill in the art would not read this to mean that the PC in Wright US 2001/0027449 A1 is capable of inter alia "transmitting an authorization request for the payment procedure, an identification code, and a maximum amount for a payment as a payment framework from the mobile terminal to the identification module".

(5) In order for an obviousness rejection to be appropriate under 35 U.S.C. 103(a), the combination of references must disclose all of the elements of a particular claim.

3. Applicant's arguments have been fully considered but they are not persuasive.

In response to (1), Examiner has not relied upon Schmitz US 6,078,908 for the teaching "transmitting...a maximum amount for a payment framework". Instead, as stated in the rejection, Examiner has turned to Wright US 2001/0027449 A1 for this

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teaching. Examiner notes that the claim language “maximum amount for a payment as a payment framework” is sufficiently broad so as to include “credit or debit card information from the consumer and submits the same to the proper payment processing centers to process the charge at the end of the billing period for the consumer” as recited in Wright (US 2001/0027449 A1 ¶ [0045])

In response to **(2)**, Examiner has not relied upon Beatty, US 5,675,630 for this feature. Instead, as stated in the rejection, Examiner has turned to Beatty US 5,675,630 for the teaching of a menu driven mobile terminal.

In response to **(3)**, Examiner has relied upon Schmitz US 6,078,908 for this feature.

In response to applicant's argument **(4)**, that the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981)

In response to applicant's argument **(5)** that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re*

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Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992) It should be noted that *KSR* forecloses Applicant's arguments requiring a specific teaching, suggestion or motivation to combine the references since the intended functions of the references have not been changed and the combination would have yielded predictable results.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3-12 & 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmitz US 6,078,908 in view of Beatty, US 5,675,630 further in view of Wright US 2001/0027449 A1.

As per claim 1 (Currently Amended) Schmitz 6,078,908 discloses a method for the identification of a user and generation of an action authorization for the user with the aid of a mobile terminal and an identification module, whereby the action is an access authorization or an electronic ticket, comprising the following steps:

c) checking by the identification module as to whether the action authorization with the at least one parameter is permissible for the identification code, and, if it is permissible ("The authorization computer checks and verifies now the congruence and agreement

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between all valid transaction authorization numbers TANs or comparable passwords previously given out by the authorizing computer” Schmitz 6,078,908, col. 3 line 36-40)

d) generating an action code for the action authorization requested by the identification module, whereby the action code records, in relation to at least one third location, a clearance for the action with the at least one parameter by the identification module (“and the authorization computer allows a release of the data flow between the data input apparatus and a receiver unit after this checking of the authorization”. Schmitz 6,078,908, col. 3 lines 40-42):

d) generating an action code for the action authorization requested by the identification module, whereby the action code records, in relation to at least one third location, a clearance for the action with the at least one parameter by the identification module (“and the authorization computer allows a release of the data flow between the data input apparatus and a receiver unit after this checking of the authorization”. Schmitz 6,078,908, col. 3 lines 40-42),

e) transmitting the action code wirelessly and directly from the identification module to the mobile terminal (“The authorization computer checks and verifies now the congruence and agreement between all valid transaction authorization numbers TANs or comparable passwords previously given out by the authorizing computer. Schmitz 6,078,908, col. 3 lines 36-40), & (“Now, data can be transmitted from the data input apparatus to the receiver unit and vice versa, for example by full duplex, after a connection authorized in the above described manner has been established.” Schmitz 6,078,908, col. 3 lines 50-53), and

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f) displaying the action code on a display of the mobile terminal. ("This receiver can be for example a wireless receiver with a display or a monitor such as for example a mobile or cellular phone or a pager." Schmitz 6,078,908, col. 3 lines 7-9)

g) issuing an action authorization by a server, wherein said server functions as a terminal of an application operator, and wherein a user sends the action code via the Internet to said server. ("The present invention provides for a method for the authorization of data transmission systems. A qualifying identification of a user is entered into a data input apparatus. The qualifying identification and a request for an authorization signal is transmitted from the data input apparatus to an authorization computer along a first transmission path. The authorization signal is established in the authorization computer." Schmitz 6,078,908 col. 1, lines 45-52)

Schmitz 6,078,908 fails to explicitly teach a) selecting a desired action type by menu control on the mobile terminal ("All software may be driven by function keys on the cellular phone or via the computer keyboard which directs the user through the options in a logical, orderly fashion. The application software used for selecting, editing, and configuring new and existing NAMs [Number Assignment Modules], phone books, and speed dial directories is typically menu-driven." Beatty, US 5,675,630 col. 5, lines 11-13),

It would have been obvious to one of ordinary skill in the art at the time of the invention to include a menu driven mobile terminal as taught by Beatty, US 5,675,630 in the system of Schmitz 6,078,908, for the purpose of directing the user through the options in a logical, orderly fashion, since the claimed invention is merely a combination of old

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elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Schmitz 6,078,908 in view of Beatty, US 5,675,630 fails to explicitly teach b) transmitting the action authorization request together with an identification code and a maximum amount for a payment as a payment framework from the mobile terminal to the identification module, whereby the action authorization request indicates the type of action and at least one parameter of the action authorization requested.

Wright (US 2001/0027449 A1) teaches “In one embodiment, the IICSP acts as financial intermediary between the consumer and a service provider by including one or more software components to effect payment charging and collection. For example, the PC software component gathers credit or debit card information from the consumer and submits the same to the proper payment processing centers to process the charge at the end of the billing period for the consumer.” Wright (US 2001/0027449 A1 ¶ [0045])

It would have been obvious to one of ordinary skill in the art at the time of the invention to include gathering credit or debit card information from the consumer and submits the same to the proper payment processing centers to process the charge at the end of the billing period for the consumer as taught by Wright US 2001/0027449 A1 in the system of Schmitz 6,078,908 in view of Beatty, US 5,675,630, for the purpose of effecting payment charging and collection, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have

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recognized that the results of the combination were predictable. Examiner notes that the claim language “maximum amount for a payment as a payment framework” is sufficiently broad so as to include “credit or debit card information from the consumer and submits the same to the proper payment processing centers to process the charge at the end of the billing period for the consumer” as recited in Wright (US 2001/0027449 A1 ¶ [0045]).

As per claim 3 (Previously Presented) Schmitz US 6,078,908 in view of Beatty, US 5,675,630 further in view of Wright US 2001/0027449 A1 teaches a method according to claim 1.

wherein the validity of the action code is time-limited and/or the maximum number of action authorizations for which the action code is valid is limited. (“However, other limitations such as the user time and/or the number or the size of the data files to be transmitted relating are also conceivable for use in determining the validity of the transaction authorization number or of the comparable password.” Schmitz 6,078,908, col. 3 lines 45-49)

As per claim 4 (Previously Presented) Schmitz US 6,078,908 in view of Beatty, US 5,675,630 further in view of Wright US 2001/0027449 A1 teaches a method according to claim 1.

wherein in step a), a personal identification number of the user is additionally sent by the mobile terminal to the identification module. (“The authorized user can enter the

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thus transmitted transaction authorization number or the comparable password manually into his/her data input apparatus and send the transaction authorization number TAN again to the authorization computer.” Schmitz 6,078,908, col. 3 lines 29-33)

As per claim 5 (Previously Presented) Schmitz US 6,078,908 in view of Beatty, US 5,675,630 further in view of Wright US 2001/0027449 A1 teaches a method according to claim 1.

wherein a communication that takes place between the mobile terminal and the identification module is at least partially encoded. (“It is clear that these data can also be encrypted or encoded first and then transmitted for obtaining additional security.” Schmitz 6,078,908, col. 3 lines 54-55)

As per claim 6 (Previously Presented) Schmitz US 6,078,908 in view of Beatty, US 5,675,630 further in view of Wright US 2001/0027449 A1 teaches a method according to claim 1.

wherein a communication between the mobile terminal and the identification module is carried out at least partially by means of a data channel. (“An alphanumeric or only numeric transaction authorization number TAN, or a comparable password, is calculated or read from a data file based on a random number generator in this authorization computer. This transaction authorization number TAN, or a similar password, is transmitted to a receiver by the authorizing computer through another

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transmission path disposed parallel to the existing connection with the data-input apparatus.” Schmitz 6,078,908, col. 3 lines 50-53)

As per claim 7 (Previously Presented) Schmitz US 6,078,908 in view of Beatty, US 5,675,630 further in view of Wright US 2001/0027449 A1 teaches a method according to claim 1.

wherein in a communication between the mobile terminal and the identification module data is used which is read out from a data carrier in the mobile terminal. (“An alphanumeric or only numeric transaction authorization number TAN, or a comparable password, is calculated or read from a data file based on a random number generator in this authorization computer. This transaction authorization number TAN, or a similar password, is transmitted to a receiver by the authorizing computer through another transmission path disposed parallel to the existing connection with the data-input apparatus.” Schmitz 6,078,908, col. 3 lines 50-53)

As per claim 8 (Previously Presented) Schmitz US 6,078,908 in view of Beatty, US 5,675,630 further in view of Wright US 2001/0027449 A1 teaches a method according to claim 1.

wherein in step a) a plausibility check is additionally carried out by sending network information to the identification module which relates to the network used for the transmission in step a). (“The security of this system is based on the fact that a data transmission from the data input apparatus to the receiver unit has to be released and

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turned on by the authorization computer only in case of an authorization of the apparatus. This is accomplished by the employment of separate transmission paths between the data input apparatus and the authorization computer on the one hand, and between the authorization computer and the receiver unit on the other hand. The present invention is insofar distinguished from call-back systems, where only one checking occurs between the data input apparatus and the authorization computer.” Schmitz 6,078,908, col. 4 lines 1-7)

As per claim 9 (Previously Presented) Schmitz US 6,078,908 in view of Beatty, US 5,675,630 further in view of Wright US 2001/0027449 A1 teaches a method according to claim 8.

wherein a network information containing details relating to a provider, a radio cell, or combinations thereof is used in step a). (“The security of this system is based on the fact that a data transmission from the data input apparatus to the receiver unit has to be released and turned on by the authorization computer only in case of an authorization of the apparatus. This is accomplished by the employment of separate transmission paths between the data input apparatus and the authorization computer on the one hand, and between the authorization computer and the receiver unit on the other hand. The present invention is insofar distinguished from call-back systems, where only one checking occurs between the data input apparatus and the authorization computer.” Schmitz 6,078,908, col. 3 line 64 to col. 4 line 14)

As per claim 10 (Previously Presented) Schmitz US 6,078,908 in view of Beatty, US 5,675,630 further in view of Wright US 2001/0027449 A1 teaches a method according to claim 1.

wherein the action code is shown on the display of the mobile terminal. ("Further encoding mechanisms can be dispensed with according to the present invention if one employs a mobile or cellular phone, in particular a global system for mobile communication or cellular phone, instead of a pager based on the encoding of the respective transmission technique. In this case, the display of the transaction authorization number or of the comparable password is performed on the display of the mobile or cellular phone." Schmitz 6,078,908, col. 4 lines 49-56)

As per claim 11 (Previously Presented) Schmitz US 6,078,908 in view of Beatty, US 5,675,630 further in view of Wright US 2001/0027449 A1 teaches a method according to claim 1. wherein information relating to the action to which step a) relates is deposited in a data carrier of the mobile terminal. ("An alphanumeric or only numeric transaction authorization number TAN, or a comparable password, is calculated or read from a data file based on a random number generator in this authorization computer. This transaction authorization number TAN, or a similar password, is transmitted to a receiver by the authorizing computer through another transmission path disposed parallel to the existing connection with the data-input apparatus." Schmitz 6,078,908,

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col. 2 line 65-col. 3 line 5) and thereby deposits the action information into the mobile terminal.

As per claim 12 (Previously Presented) Schmitz US 6,078,908 in view of Beatty, US 5,675,630 further in view of Wright US 2001/0027449 A1 teaches a method according to claim 10.

wherein information from the mobile terminal is read out, transferred to another device, or combinations thereof. ("The security of this system is based on the fact that a data transmission from the data input apparatus to the receiver unit has to be released and turned on by the authorization computer only in case of an authorization of the apparatus. This is accomplished by the employment of separate transmission paths between the data input apparatus and the authorization computer on the one hand, and between the authorization computer and the receiver unit on the other hand. The present invention is insofar distinguished from call-back systems, where only one checking occurs between the data input apparatus and the authorization computer." Schmitz 6,078,908, col. 4 lines 1-7)

As per claim 15 (Previously Presented) Schmitz US 6,078,908 in view of Beatty, US 5,675,630 further in view of Wright US 2001/0027449 A1 teaches a mobile terminal, programmed to carry out a method according to claim 1.

"The authorization computer 2 and the receiver unit 4 can be furnished by a single computer. In this case, a first access is performed to a data processing program, which

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performs the authorization process, including generation and transmission of the transaction authorization number TAN, in the manner precedingly described.” Schmitz 6,078,908, col. 9 lines 9-14) the data processing program thus shows the programming to carry out the method of claim 1.

6. Claims 13, 14, 17 & 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmitz 6,078,908 in view of Wright US 2001/0027449 A1.

As per claim 13 (Previously Presented) Schmitz 6,078,908 discloses a method for the handling of a payment procedure between a user of a mobile terminal and a payment recipient with the aid of the mobile terminal, an identification module, and a payment terminal of the payment recipient, comprising the following steps:

a) transmitting an authorization request for the payment procedure, an identification code, from the mobile terminal to the identification module,

(“The authorization computer checks and verifies now the congruence and agreement between all valid transaction authorization numbers TANs or comparable passwords previously given out by the authorizing computer. Schmitz 6,078,908, col. 3 lines 36-40), & (“Now, data can be transmitted from the data input apparatus to the receiver unit and vice versa, for example by full duplex, after a connection authorized in the above described manner has been established.” Schmitz 6,078,908, col. 3 lines 50-53),

b) checking by the identification module as to whether a payment authorization for the identification code with at least one parameter is permissible, and, if it permissible (“The

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authorization computer checks and verifies now the congruence and agreement between all valid transaction authorization numbers TANs or comparable passwords previously given out by the authorizing computer” Schmitz 6,078,908, col. 3 line 36-40):

c) generating a transaction code for the payment procedure requested by the identification module (“and the authorization computer allows a release of the data flow between the data input apparatus and a receiver unit after this checking of the authorization”. Schmitz 6,078,908, col. 3 lines 40-42),

d) transmitting the transaction code from the identification module to the mobile terminal and to the payment terminal, whereby the transaction code displays in relation to the payment terminal the fact that the identified user is entitled to carry out the payment procedure specified by the parameter. (“The authorization computer checks and verifies now the congruence and agreement between all valid transaction authorization numbers TANs or comparable passwords previously given out by the authorizing computer. Schmitz 6,078,908, col. 3 lines 36-40)(“Now, data can be transmitted from the data input apparatus to the receiver unit and vice versa, for example by full duplex, after a connection authorized in the above described manner has been established.” Schmitz 6,078,908, col. 3 lines 50-53)

Schmitz fails to explicitly teach transmitting a maximum amount for a payment as a payment framework from the mobile terminal to the identification module,

Wright (US 2001/0027449 A1) teaches “In one embodiment, the IICSP acts as financial intermediary between the consumer and a service provider by including one or more software components to effect payment charging and collection. For example, the PC

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software component gathers credit or debit card information from the consumer and submits the same to the proper payment processing centers to process the charge at the end of the billing period for the consumer.”

It would have been obvious to one of ordinary skill in the art at the time of the invention to include gathering credit or debit card information from the consumer and submits the same to the proper payment processing centers to process the charge at the end of the billing period for the consumer as taught by Wright US 2001/0027449 A1 in the system of Schmitz 6,078,908, for the purpose of effecting payment charging and collection, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable. Examiner notes that the claim language “maximum amount for a payment as a payment framework” is sufficiently broad so as to include “credit or debit card information from the consumer and submits the same to the proper payment processing centers to process the charge at the end of the billing period for the consumer” as recited in Wright (US 2001/0027449 A1 ¶ [0045]).

As per claim 14 (Previously Presented) A method for the handling of a payment procedure between a user of a mobile terminal and a payment recipient with the aid of the mobile terminal, an identification module, and a payment terminal of the payment recipient, whereby the communication between the mobile terminal, the identification

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module and the payment terminal is carried out via an air interface, having a first phase comprising the following steps:

a1) transmitting an authorization request for the payment procedure, an identification code, ("The authorization computer checks and verifies now the congruence and agreement between all valid transaction authorization numbers TANs or comparable passwords previously given out by the authorizing computer. Schmitz 6,078,908, col. 3 lines 36-40), & ("Now, data can be transmitted from the data input apparatus to the receiver unit and vice versa, for example by full duplex, after a connection authorized in the above described manner has been established." Schmitz 6,078,908, col. 3 lines 50-53)

a2) checking by the identification module as to whether an authorization for the identification code is permissible ("The authorization computer checks and verifies now the congruence and agreement between all valid transaction authorization numbers TANs or comparable passwords previously given out by the authorizing computer" Schmitz 6,078,908, col. 3 line 36-40), and, if it is permissible:

a3) generating a transaction code for the payment procedure requested by the identification module ("and the authorization computer allows a release of the data flow between the data input apparatus and a receiver unit after this checking of the authorization". Schmitz 6,078,908, col. 3 lines 40-42),

a4) transmitting the transaction code from the identification module to the payment terminal and directly to the mobile terminal, and transmitting the payment framework

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from the identification module to the payment terminal, further comprises a phase following in time with the following step:

b1) concluding the payment procedure by the transmission or input of a code into the payment terminal, as a result of which the payment procedure is concluded. ("The authorization computer checks and verifies now the congruence and agreement between all valid transaction authorization numbers TANs or comparable passwords previously given out by the authorizing computer. Schmitz 6,078,908, col. 3 lines 36-40)("Now, data can be transmitted from the data input apparatus to the receiver unit and vice versa, for example by full duplex, after a connection authorized in the above described manner has been established." Schmitz 6,078,908, col. 3 lines 50-53)

Schmitz fails to explicitly teach a maximum amount for a payment as a payment framework from the mobile terminal to the identification module

Wright (US 2001/0027449 A1) teaches "In one embodiment, the IICSP acts as financial intermediary between the consumer and a service provider by including one or more software components to effect payment charging and collection. For example, the PC software component gathers credit or debit card information from the consumer and submits the same to the proper payment processing centers to process the charge at the end of the billing period for the consumer."

It would have been obvious to one of ordinary skill in the art at the time of the invention to include gathering credit or debit card information from the consumer and submits the same to the proper payment processing centers to process the charge at the end of the billing period for the consumer as taught by Wright US 2001/0027449 A1 in the system

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of Schmitz 6,078,908, for the purpose of effecting payment charging and collection, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable. Examiner notes that the claim language “maximum amount for a payment as a payment framework” is sufficiently broad so as to include “credit or debit card information from the consumer and submits the same to the proper payment processing centers to process the charge at the end of the billing period for the consumer” as recited in Wright (US 2001/0027449 A1 ¶ [0045]).

As per claim 17 (Previously Presented) Schmitz US 6,078,908 in view of Wright US 2001/0027449 A1 teaches a mobile terminal, programmed to carry out a method according to claim 13.

(“The authorization computer 2 and the receiver unit 4 can be furnished by a single computer. In this case, a first access is performed to a data processing program, which performs the authorization process, including generation and transmission of the transaction authorization number TAN, in the manner precedingly described.” Schmitz 6,078,908, col. 9 lines 9-14)

As per claim 18 (Previously Presented) Schmitz US 6,078,908 in view of Beatty, US 5,675,630 further in view of Wright US 2001/0027449 A1 teaches a mobile terminal, programmed to carry out a method according to claim 14.

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("The authorization computer 2 and the receiver unit 4 can be furnished by a single computer. In this case, a first access is performed to a data processing program, which performs the authorization process, including generation and transmission of the transaction authorization number TAN, in the manner precedingly described." Schmitz 6,078,908 col. 9 lines 9-14)

Conclusion

7. **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald C. Vizvary whose telephone number is 571-270-3268. The examiner can normally be reached on Monday thru Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Abdi Kambiz can be reached on 571-272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-270-4268.

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